

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE STATE STREET BANK AND
TRUST CO. FIXED INCOME FUNDS
INVESTMENT LITIGATION

:
:
: Civil Action No. 08-md-1945
:
:

NING YU, On Behalf of Himself and All
Others Similarly Situated,

Plaintiffs,

v.

:
:
: Civil Action No. 08-cv-08235-RJH
: (Relates to 08-md-1945)
:
:

STATE STREET CORPORATION, et al.,

Defendants.

PLUMBERS AND STEAMFITTERS UNION
LOCAL NO. 10 HEALTH & WELFARE,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

:
:
: Civil Action No. 08-cv-07934-RJH
: (Relates to 07-cv-8488)
:
:

STATE STREET CORPORATION, et al.,

Defendants.

**STATE STREET'S MOTION TO DISMISS
CLASS ACTION SECURITIES COMPLAINTS**

Defendants State Street Corporation, State Street Global Advisors, SSgA Funds, Peter G. Leahy, James Ross and Mark E. Swanson (collectively, "State Street"), based upon the accompanying Memorandum of Law in Support of State Street's Motion to Dismiss, the accompanying Declaration of Robert A. Skinner in Support of State Street's Motion to Dismiss, dated March 11, 2009, and its Exhibits A through G, and upon all the pleadings and proceedings heretofore had herein, State Street hereby moves this Court, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing plaintiffs' Amended Class Action Complaints in the *Yu* and *Plumbers* actions in their entirety. As grounds for its motion, State Street respectfully submits that each of plaintiffs' claims fails as a matter of law for one or more of the following reasons: for failure to state a claim; and for failure to plead fraud with particularity.

Dated: March 11, 2009

Respectfully submitted,

ROPES & GRAY LLP

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